

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE RITZ HOTEL, LTD.	:	CIVIL ACTION
	:	
v.	:	
	:	
SHEN MANUFACTURING CO., INC.	:	05-4730

ORDER

AND NOW, this 27th day of April, 2009, upon consideration of defendant Shen Manufacturing Co., Inc. ("Shen")'s Motion for Reconsideration (paper no. 80) of the court's Order of March 9, 2009 (paper no. 78), together with plaintiff The Ritz Hotel, Ltd. ("RHL")'s response in opposition, it is **ORDERED**:

1. Shen's Motion for Reconsideration is **GRANTED IN PART** and **DENIED IN PART**:

A. The court's prior order denying as moot RHL's Motion for Partial Summary Judgment (paper no. 44) on Count III of Shen's amended counterclaim, under § 38 of the Lanham Trademark Act, 15 U.S.C. § 1120, with regard to RHL's United States trademark registration nos. 2,728,529 (RITZ PARIS with crest design for fabrics) and 2,895,080 (RITZ PARIS for linoleum and wall coverings), is **VACATED**.

B. Shen's Motion for Reconsideration of the court's March 9, 2009 order is **DENIED** in all other respects.

2. RHL's Motion for Partial Summary Judgment on Count III of Shen's amended counterclaim is **GRANTED** with regard to RHL's United States trademark registration nos. 2,728,529 (RITZ PARIS with crest design for fabrics) and 2,895,080 (RITZ PARIS for linoleum and wall coverings).

/s/ Norma L. Shapiro

J.